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~~MEMORANDUM~~

THE WHITE HOUSE
WASHINGTON

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INFORMATION

MEMORANDUM FOR MR. KISSINGER

January 30, 1970

FROM: Robert E. Osgood *ROE*SUBJECT: Meeting of the Under Secretaries Committee on the
Continental Shelf Boundary, January 29, 1970

At the Under Secretaries Committee the respective positions conformed to my memorandum on the subject, with a few elaborations of arguments. Among the three principal kinds of national interests involved -- commercial, military, and the orderly and peaceful use of the seas -- no one would admit that his agency's position gave priority to one over the other. Instead, the real differences of priority were expressed in differences of factual judgment -- as, for example, whether a narrow or a broad continental shelf boundary would be more profitable to our petroleum industry or the LDCs.

Department of State tried hard to present its position as one that combines the best features of DOD's and Interior's positions without being merely a bureaucratic compromise.

Interior came close to buying State's position but balked at accepting that position's provision of national jurisdiction over only exploitation instead of total sovereignty in the proposed "intermediate zone."

DOD staunchly rejected State's as well as Interior's position on almost every ground.

Under Secretary Richardson, although commending State's position as a genuine effort to get an acceptable Government position without merely "splitting the difference," pointed to the strength of DOD's arguments against State in a number of respects.

Richardson concluded that he should undertake a memorandum to the President describing the three positions, to be sent to the NSC or to the President.

My guess is that this will induce Defense and possibly State to come up with modified positions to which they will hope to gain the assent of another department in order to gain a Government-wide agreement "out of court."

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- 2 -

State and Interior may agree on a common position, but this will not persuade Defense unless it feels that the President will favor the combined power of the two opposing departments. In that case, DOD will try to strike a bargain by designating the State-Interior position as a backup position at a conference.

The most meritorious compromise would be one in which State would come closer to Defense, which, in my view, has the strongest case on grounds of national interest.

More likely, Justice and Defense will agree on a common position. Justice's proposal (a modification of State's) would be a backup position at a conference. The difficulty with a backup position, of course, is that it runs the risk of being leaked.

If this sounds Byzantine, you should hear the technicalities in terms of which these bargains will have to be argued.

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